

US Application No. 10/021224

REMARKS

Applicant respectfully requests reconsideration of the application in view of the following remarks and amendments.

Claim Status

Claims 1, 2, 4, 8-14 and 16-20 are pending in the application and claims 1, 2, 4, 8-10, 12, 13, and 16 stand rejected. Claims 11 and 14 stand objected to for being dependent upon a rejected base claim. Applicant acknowledges with thanks the allowance of Claims 17-20.

Claim Amendments

Claims 1 and 12 are amended to more clearly recited that the environment is partitioned into "three-dimensional bounded areas" which reside "in a single plane". These amendments are clearly supported by Figs. 5A and 5C which show the bounded areas residing in a single plane.

Claim 16 is amended to overcome the rejection under 35 U.S.C. 112.

Claim 17 is amended to correct a typological error.

Rejections under 35 U.S.C. § 102(e)

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

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Claims 1, 2, 4, 8-10, 12, 13, and 16 allegedly stand rejected under 35 U.S.C. 102(e) as being anticipated by Orbanes et al. (U.S. Patent Application 6,785,667). This rejection is respectfully traversed because the claimed invention as set forth in independent Claims 1 and 12 and the claims that depend therefrom are patentably distinguishable over the disclosure contained in the Orbanes document.

The present invention as recited in Claim 1 is a method for browsing a plurality of data objects displayed within a three-dimensional graphical environment. As recited in amended Claim 1 data objects are displayed by:

“providing a plurality of selectable data object arrangement schemes;

grouping corresponding images representing the data objects within the environment dependent on a selected one of the schemes;

wherein grouping representative images further comprising partitioning the three-dimensional graphical environment into three-dimensional bounded areas in a single plane and displaying related groups of representative images within the areas, wherein representative images are related dependent on the selected scheme.”

[emphasis added]

Figs. 5A and 5C show examples of different arrangements of data objects displayed within an exemplary graphical environment according to the present invention. As shown, the “three-dimensional bounded areas” as recited in amended Claims 1 and 12 reside in “a single plane”. This environment provides the browser with an intuitive browsing experience similar to browsing through a brick and mortar business (paragraphs 26 and 31). In other words, the user is able to intuitively browse the data objects by “walking” from one area to another. Moreover, by displaying related groups of representative images within partitioned three-dimensional bounded areas, the present invention uses the environment to visually group the representative images according to a selected grouping scheme.

Orbanes does not display representative images within partitioned “three-dimensional bounded areas in a single plane”. Instead, Orbanes displays objects on virtual plates 204a-204c organized in a hierarchical manner (column 9, lines 5-8) such that each plate is on a different viewing plane. Referring to Fig. 2, each plate is on a different viewing plane such that the user must either zoom in or out to see the objects on a particular plate. As the user zooms into the stacked plates, the user is provided with more detail at each level or plate

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(column 9, lines 16-54). So unlike the present invention in which the graphical environment is partitioned into "three-dimensional bounded areas in a single plane" to simulate the experience of "walking" through rooms in a retail store, Orbanes' virtual environment requires that the user view objects by passing through different plates of objects on different viewing planes each having more or less levels of detail.

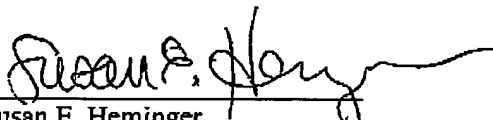
Moreover, Orbanes teaches away from the present invention by stating "the user, unlike with physical barriers, can pan and zoom through the grocery store in any direction without regard for the aisles that may exist." In other words, Orbanes does not suggest and even teaches away from "bounded three-dimensional areas" to allow the user a particular viewing experience. In contract, the present invention as recited in claims 1 and 12 relates to an environment comprising "three-dimensional bounded areas in a single plane" which function to simulate the experience of rooms in a retail store.

Since Orbanes does not teach each and every element of the claimed invention, the cited reference fails to anticipate amended Claims 1, 2, 4, 8-10, 12, 13, and 16 under 35 U.S.C. 102(e) and, thus, the claimed invention is distinguishable over Orbanes et al.

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Respectfully submitted,

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